

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT P. DERRICKSON,)
Plaintiff,)
v.) **2:08-cv-668**
)
PAULA L. NOLAN, MARY NOLAN,)
DENNIS DURKA, DONALD GREENE,)
SUMNER PARKER, THOMAS FARRELL)
and JOSEPH GUERRA,)
Defendants.)

ORDER OF COURT

AND NOW, this 23rd day of July, 2008, the Plaintiff, Robert B. Derrickson, having filed the above captioned action, and after a Report and Recommendation was filed by the United States Magistrate Judge which granted the parties until July 17, 2008 to file written objections thereto, and Plaintiff having filed objections which are found to be without merit, and upon independent review of the record, with full consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

It is hereby **ORDERED** that Plaintiff's Complaint [3] is **DISMISSED** before service upon Defendants pursuant to the authority granted courts by the Prison Litigation Reform Act (PLRA), for failure to state a claim upon which relief can be granted.

It is further **ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order, they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: ROBERT P. DERRICKSON
BG-2195
SCI Smithfield
PO Box 999
1120 Pine Street
Huntingdon, PA 16652

Honorable Amy Reynolds Hay
United States Magistrate Judge